

**POWERS, AUTHORITIES, & RESPONSIBILITIES  
OF  
CMHPC, CMHDA, & DMH  
RELATED TO THE DEVELOPMENT  
OF THE  
CALIFORNIA PERFORMANCE OUTCOME SYSTEM**



**CALIFORNIA DEPARTMENT OF MENTAL HEALTH:**

**WELFARE & INSTITUTIONS CODE**

**DIVISION 4. MENTAL HEALTH**

**PART 1. GENERAL ADMINISTRATION, POWERS AND DUTIES  
OF THE DEPARTMENT**

**CHAPTER 2. PLANNING, RESEARCH, EVALUATION AND QUALITY  
ASSURANCE**

**4031.** The State Department of Mental Health shall to the extent resources are available, do all of the following:

(a) Conduct, sponsor, coordinate, and disseminate results of research and evaluation directed to the public policy issues entailed in the selection of resource utilization and service delivery in the state.

(b) Make available technical assistance to local mental health programs incorporating the results of research, evaluation, and quality assurance to local mental health programs.

(c) Implement a system of required performance reporting by local mental health programs.

(d) Perform any other activities useful to improving and maintaining the quality of state mental hospital and community mental health programs.

**4032.** The department shall, when appropriate, give and receive grants and contracts for research, evaluation, and quality assurance efforts.

**4033. (a)** The State Department of Mental Health shall, to the extent resources are available, comply with federal planning requirements. The department shall update and issue a state plan which may also be any federally required state service plan, so that citizens may be informed regarding the implementation of, and long-range goals for, programs to serve mentally ill persons in the state. The department shall gather information from counties necessary to comply with this section.

**4040.** The State Department of Mental Health may conduct, or contract for, research or evaluation studies which have application to policy and management issues. In selecting areas for study the department shall be guided by the information needs of state and local policymakers and managers, and suggestions from the California Conference of Local Mental Health Directors.

**4041.** The department shall serve as a clearinghouse for information on research and evaluation studies relevant to mental health. The department shall review and disseminate the results of local, state, and national research and evaluation studies that have important implications for mental health policy or management.

**4043. (a)** It is the intent of the Legislature that the department provide leadership in the establishment and funding of mental health research projects. The projects shall lead to better understanding of the etiology of serious mental illness and the development of treatment alternatives necessary to meet the needs of the citizens of this state.

**(b)** The director shall appoint a Mental Health Research Advisory Committee. The committee shall consult with program administrators, providers, consumers, families, and research scientists. The committee shall advise and assist the director in establishing research priorities and in other research related activities as appropriate.

**4051.** The State Department of Mental Health shall to the extent resources are available, provide program development guidelines, evaluation models, and operational assistance on all aspects of services to mentally ill persons of all ages. These services include, but are not limited to, the following:

- (a)** Self-help programs.
- (b)** Housing development.
- (c)** Disaster preparation.
- (d)** Vocational services.
- (e)** Regional programs.
- (f)** Multiple diagnosis programs.

**4060.** The department shall, in order to implement 4050 (Availability to county and other local mental health agencies), utilize a joint state-county decision making process that shall include local mental health directors and representatives of local mental health boards. The purpose of this collaboration shall be to promote effective and efficient quality mental health services to the residents of the state under the realigned mental health system.

**4061. (a)** The department shall utilize a joint state-county decision making process to determine the appropriate use of state and local training, technical assistance, and regulatory resources to meet the mission and goals of the state's mental health system. The department shall use the decision making collaborative process required by this section in all of the following areas:

(1) Provide technical assistance to the State Department of Mental Health and local mental health departments through direction of existing state and local mental health staff and other resources.

(2) Analyze mental health programs, policies, and procedures.

(3) Provide forums on specific topics as they relate to the following:

(A) Identifying current level of services

(B) Evaluating existing needs and gaps in current services.

(C) Developing strategies for achieving statewide goals and objectives in the provision of services for the specific area.

(D) Developing plans to accomplish the identified goals and objectives.

(4) Providing forums on policy development and direction with respect to mental health program operations and clinical issues.

(b) Local mental health board members shall be included in discussions pursuant to Section 4060 when the following areas are discussed:

(1) Training and education program recommendations.

(2) Establishment of statewide forums for all organizations and individuals involved in mental health matters to meet and discuss program and policy issues.

(3) Distribution of information between the state, local programs, local mental health boards, and other organizations as appropriate.

## **PART 2. THE BRONZAN-MCCORQUODALE ACT**

### **CHAPTER 1. GENERAL PROVISIONS**

**5600.2.** To the extent resources are available, public mental health services in this state should be provided to priority target populations in systems of care that are client-centered, culturally competent, and fully accountable, and which include the following factors:

(a) Client-Centered Approach.. All services and programs designed for persons with mental disabilities should be client centered, in recognition of varying individual goals, diverse needs, concerns, strengths, motivations, and disabilities. Persons with mental disabilities:

(2) Are the central and deciding figure, except where specifically limited by law, in all planning for treatment and rehabilitation based on their individual needs. Planning should also include family members and friends as a source of information and support.

(3) Shall be viewed as total persons and members of families and communities. Mental health services should assist clients in returning to the most constructive and satisfying lifestyles of their own definition and choice.

(f) Quality of Service. Qualified individuals trained in the client-centered approach should provide effective services based on measurable outcomes and deliver those services in environments conducive to clients' well-being

(j) Outcome Measures. State and local mental health systems of care should be developed based on client-centered goals and evaluated by measurable client outcomes.

**5610. (a)** Each county mental health system shall comply with reporting requirements developed by the State Department of Mental Health which shall be uniform and simplified. The department shall review existing data requirements to eliminate unnecessary requirements and consolidate requirements which are necessary. These requirements shall provide comparability between counties in reports.

(b) The department shall develop, in consultation with the performance Outcome Committee pursuant to Section 5611, and with the Health and Welfare Agency, uniform definitions and formats for a statewide, non-duplicative client-based information system that includes all information necessary to meet federal mental health grant requirements and state and federal medicaid reporting requirements, as well as any other state requirements established by law, or agreed upon by the department and the California Conference of Local Mental Health Directors. The data system, including performance outcome measures reported pursuant to Section 5613, shall be developed by July 1, 1992.

(c) Unless determined necessary by the department to comply with federal law and regulations, the data system developed pursuant to subdivision (b) shall not be more costly than that in place during the 1990-91 fiscal year.

(d) (1) The department shall develop unique client identifiers that permit development of client-specific cost and outcome measures and related research and analysis.

(2) The department's collection and use of client information, and the development and use of client identifiers, shall be consistent with clients' constitutional and statutory rights to privacy and confidentiality.

**5611** The Director of Mental Health shall establish a Performance Outcome Committee, to be comprised of representatives from the PL 99-660 Planning Council and the California Conference of Local Mental Health Directors. Any costs associated with the performance of the duties of the committee shall be absorbed within the resources of the participants.

**5612. (a) (1)** The Performance Outcome Committee shall develop measures of performance for evaluating client outcomes and cost effectiveness of mental health services provided pursuant to this division. The reporting of performance measures shall utilize the data collected by the State Department of Mental Health in the client-specific, uniform, simplified, and consolidated data system. The performance measures shall take into account resources available overall, resource imbalance between counties, other services available in the community, and county experience in developing data and evaluative information.

(2) During the 1992-1993 fiscal year, the committee shall include measures of performance evaluating client outcomes and cost-effectiveness of mental health services provided by state hospitals.

- (b) The committee should consider outcome measures in the following areas:
  - (1) Numbers of persons in identified target populations served.
  - (2) Estimated number of persons in identified target populations in need of services.
  - (3) Treatment plans development for members of the target population served.
  - (4) Treatment plans goals met.
  - (5) Stabilization of living arrangements.
  - (6) Reduction of law enforcement involvement and jail bookings.
  - (7) Increase in employment or education activities.
  - (8) Percentage of resources used to serve children and older adults.
  - (9) Number of patients' rights advocates and their duties.
  - (10) Quality assurance activities for services, including peer review and medication management.
  - (11) Identification of special projects, incentives, and prevention programs.
- (c) Areas identified for consideration by the committee are for guidance only.

**5613.** (a) Counties shall annually report data on performance measures established pursuant to Section 5612 to the local mental health advisory board and to the Director of Mental Health.

(b) The Director of Mental Health shall annually make available to the Legislature, no later than March 15, data on county performance.

## **CHAPTER 2. THE COUNTY PERFORMANCE CONTRACT**

**5650.** (a) The board of supervisors of each county, or boards of supervisors of counties acting jointly, shall adopt, and submit to the Director of Mental Health in the form and according to the procedures specified by the director, a proposed annual county mental health services performance contract for mental health services in the county or counties.

**5651.** The proposed annual county mental health services performance contract shall include all of the following:

- (a) The following assurances:
  - (8) That the county shall provide all data and information set forth in sections 5610 and 5664.
  - (10) Assurances that the county shall comply with all applicable laws and regulations for all services delivered.
- (d) Other information determined to be necessary by the director, to the extent this requirement does not substantially increase county costs.

**5664.** (a) County mental health systems shall provide reports and data to meet the information needs of the state.

(b) The department shall not implement this section in a manner requiring a higher level of service for state reporting needs than that which it was authorized to require prior to July 1, 1991.

**5665.** After the development of performance outcome measures pursuant to Section 5610, whenever a county makes a substantial change in its allocation of mental health funds among services, facilities, programs, and providers, it shall, at a regularly scheduled public hearing of the board of supervisors, document that it based its decision on the most cost-effective use of available resources to maximize overall client outcomes, and provide this documentation to the department.

**5666. (a)** The Director of Mental Health shall review each proposed county mental health services performance contract to determine that it complies with the requirements of this division.

**(b)** The director shall require modifications in the proposed county mental health services performance contract which he or she deems necessary to bring the proposed contract into conformance with the requirements of this division.

**(c)** Upon approval by both parties, the provisions of the performance contract required by Section 5651 shall be deemed to be a contractual agreement between the state and county.

## **DIVISION 9. PUBLIC SOCIAL SERVICES**

### **PART 3. AID AND MEDICAL ASSISTANCE**

#### **CHAPTER 8.8. MEDI-CAL MANAGEMENT: ALTERNATIVE METHODS**

**14684.** Notwithstanding any other provision of state law, and to the extent permitted by federal law, local managed mental health care plans, whether administered by public or private entities, shall be governed by the following guidelines:

**(g)** Each plan (*local mental health plan*) shall include a mechanism for monitoring the effectiveness of, and evaluating accessibility and quality of, services available. The plan shall utilize and be based upon state-adopted performance outcome measures and shall include a beneficiary satisfaction component and a grievance system for beneficiaries and providers.

**(h)** Each plan shall provide for culturally competent and age-appropriate services, to the extent feasible. The plan shall assess the cultural competency needs of the program. The plan shall include, as part of the quality assurance program required by Section 4070, a process to accommodate the significant needs with reasonable timeliness. The department shall provide demographic data and technical assistance. Performance outcome measures shall include a reliable method of measuring and reporting the extent to which services are culturally competent and age appropriate.

#### **CALIFORNIA LOCAL MENTAL HEALTH BOARDS:**

### **WELFARE & INSTITUTIONS CODE**

## **DIVISION 4. MENTAL HEALTH**

### **PART 2. THE BRONZAN-MCCORQUODALE ACT**

#### **CHAPTER 1. GENERAL PROVISIONS**

**5604.2. (a)** The local mental health board shall do all of the following:

(1) Review and evaluate the community's mental health needs, services, facilities, and special problems.

(2) Review any county agreements entered into pursuant to Section 5650.

(3) Advise the governing body and the local mental health director as to any aspects of the local mental health program.

(4) Review and approve the procedures used to ensure citizen and professional involvement at all stages of the planning process.

(5) Submit an annual report to the governing body on the needs and performance of the counties' mental health system.

(7) Review and comment on the county's performance outcome data and communicate its findings to the California Mental Health Planning Council.

**5734. (a)** The state Department of Mental Health shall, to the extent resources are available, review the recommendations contained in the Mental Health Master Plan, as submitted by the California Mental Health Planning council on October 1, 1991.

(b) By March 1, 1993, the State Department of Mental Health shall submit, to the appropriate committees of the Legislature, its findings as to which recommendations are programmatically and fiscally desirable and feasible, with suggested timelines for adoption.

#### **CALIFORNIA MENTAL HEALTH PLANNING COUNCIL:**

### **WELFARE & INSTITUTIONS CODE**

## **DIVISION 4. MENTAL HEALTH**

### **PART 2. THE BRONZAN-MCCORQUODALE ACT**

#### **CHAPTER 3.5. MENTAL HEALTH MASTER PLAN DEVELOPMENT ACT**

**5732. (a)** The California Planning Council's scope shall be expanded to include the development of the Mental Health Master Plan. This Mental Health Master Plan shall be distinct but compatible with the plan mandated by Public Law 99-660, the development and implementation of which is the responsibility of the State Department of Mental Health.

## **CHAPTER 4. OPERATION AND ADMINISTRATION**

**5771.** (a) Pursuant to Public Law 102-321, there is the California Mental Health Planning Council. The purpose of the planning council shall be to fulfill those mental health planning requirements mandated by federal law.

(4) The Director of Mental health shall make appointments from nominees from mental health constituency organizations, which shall include representatives of consumer-related advocacy organizations, representatives of mental health professional and provider organizations, and one representative of the California Coalition on Mental Health.

(f) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

**5771.3.** (a) The California Mental Health Planning Council may utilize staff of the State Department of Mental Health, to the extent they are available, and the staff of any other public or private agencies that have an interest in the mental health of the public and that are able and willing to provide those services.

(b) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

**5772.** The California Mental Health Planning Council shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To advocate for effective, quality mental health programs.

(b) To review, assess, and make recommendations regarding all components of California's mental health system, and to report as necessary to the Legislature, the State Department of Mental Health, local boards, and local programs.

(c) To review program performance in delivering mental health services by annually reviewing performance outcome data as follows:

(1) To review and approve the performance outcome measures.

(2) To review the performance of mental health programs based on performance outcome data and other reports from the State Department of Mental Health and other sources.

(3) To report findings and recommendations on programs; performance annually to the Legislature, the State Department of Mental Health, and the local boards.

(4) To identify successful programs for recommendation and for consideration of replication in other areas. As data and technology are available, identify program experiencing difficulties.

(d) When appropriate, make a finding pursuant to Section 5655 that a county's performance is failing in a substantive manner. The State Department of Mental Health shall investigate and review the finding, and report the action taken to the Legislature.



(e) To advise the Legislature, the State Department of Mental Health, and county boards on mental health issues and the policies and priorities that this state should be pursuing in developing its mental health system.

(f) To periodically review the state's data systems and paperwork requirements to ensure that they are reasonable and in compliance with state and federal law.

(g) To make recommendations to the State Department of Mental Health on the award of grants to county programs to reward and stimulate innovation in providing mental health services.

(h) To conduct public hearings on the state mental health plan, the Substance Abuse and Mental Health Services Administration block grant, and other topics, as needed.

(i) To participate in the recruitment of candidates for the position of Director of Mental Health, and provide advice on the final selection.

(j) In conjunction with other statewide and local mental health organizations, assist in the coordination of training and information to local mental health boards as needed to ensure that they can effectively carry out their duties.

(k) To advise the Director of Mental Health on the development of the state mental health plan and the system of priorities contained in that plan.

(l) To assess the effect of realignment of mental health services from the state to the counties on the delivery of those services, and report its findings to the Legislature, the State Department of Mental Health, local programs, and local boards no later than January 1, 1995.

(m) To suggest rules, regulations, and standards for the administration of this division.

(n) When requested, to mediate disputes between counties and the state arising under this part.

(o) To employ administrative, technical, and other personnel necessary for the performance of its powers and duties, subject to the approval of the Department of Finance.

(p) To accept any federal fund granted, by act of Congress or by executive order, for purposes within the purview of the California Mental Health Planning Council, subject to the approval of the Department of Finance.

(q) To accept any gift, donation, bequest, or grants of funds from private and public agencies for all or any of the purposes within the purview of the California Mental Health Planning Council, subject to the approval of the Department of Finance.

(r) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

## **CALIFORNIA LOCAL MENTAL HEALTH DIRECTORS:**

### **WELFARE & INSTITUTIONS CODE**

#### **DIVISION 4. MENTAL HEALTH**

#### **PART 2. THE BRONZAN-MCCORQUODALE ACT**

## **CHAPTER 4. OPERATION AND ADMINISTRATION**

**5772.** The local director of mental health services shall have the following powers and duties:

(a) Serve as chief executive officer of the community mental health service responsible to the governing body through administrative channels designated by the governing body.

(b) Exercise general supervision over mental health services provided under this part.

(c) Recommend to the governing body, after consultation with the advisory board, the provision of services, establishment of facilities, contracting for services or facilities and other matters necessary or desirable in accomplishing the purpose of this division.

(d) Submit an annual report to the governing body reporting all activities of the program, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

(e) Carry on studies appropriate for the discharge of his or her duties, including control and prevention of mental disorders.

(f) Possess authority to enter into negotiations for contracts or agreements for the purpose of providing mental health services in the county.